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**Attorney for Creditor,**  
WRIO TRS, LLC, its successors and assigns

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**IN RE:**

**VIRTUDES SELLSTROM**

**DEBTOR**

**WRIO TRS, LLC,**

**CREDITOR.**

§ CASE NO.: 18-32199  
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§  
§ CHAPTER 13  
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**OBJECTION TO CHAPTER 13 PLAN**

TO THE HONORABLE JUDGE JEFFREY P NORMAN, UNITED STATES BANKRUPTCY  
JUDGE, THE DEBTOR, HER ATTORNEY OF RECORD AND THE CHAPTER 13  
TRUSTEE, WILLIAM E. HEITKAMP:

Deutsche Bank National Trust Company, as certificate trustee on behalf of WRIO TRS, LLC,  
("**Creditor**"), a secured creditor of VIRTUDES SELLSTROM ("**Debtor**"), hereby objects to the  
confirmation of Debtor's Amended Chapter 13 Plan (the "**Plan**") on the grounds that the Plan  
does not comply with the provisions of Chapter 13 of Title 11, United States Code, and with  
other applicable provisions of said Title 11.

This objecting Creditor holds a deed of trust on the Debtor's real property commonly described as 21323 Snappy Creek Ln, Spring, TX 77388 (the "**Property**"), which is Debtor's principal residence.

**I**

**STATEMENT OF FACTS**

1. On or about March 30, 2016, Debtor, for valuable consideration, made, executed and Delivered to Ventana Loan Services, LLC, a Note (the "**Note**") with an original principal balance in the amount of \$155,000.00 (the "**Loan**").

2. Said Note is secured by a Purchase Money Deed of Trust ("**Deed of Trust**"), which encumbers the Property recorded, as Document No.: 2016-134415 in the Official Records of Harris County, Texas, naming Ventana Loan Services, LLC, as the Beneficiary.

3. All rights, title, and interests in the Note and Deed of Trust were thereafter assigned to Creditor.

4. Creditor holds all right, title and interest in the Note and Deed of Trust.

5. On or about April 30, 2018, Debtor filed a voluntary Petition under Chapter 13 of the Bankruptcy Code in the United States Bankruptcy Court, Southern District of Texas, Case No.: 18-32199 (the "**Instant Petition**").

6. On June 3, 2018, Debtor filed a proposed Chapter 13 Plan in which Debtor proposed to cure Creditor's arrears in the amount of \$37,620.00, and the post-petition monthly mortgage payment in the amount of \$1,246.00.

7. Creditor's arrears total no less than \$45,022.58.

8. The total amount owed to Creditor as of the Petition date is no less than approximately \$193,517.11.

9. Creditor's post-petition monthly mortgage payment totals no less than \$1,247.05.

## II

### **ARGUMENT**

Application of the provisions of *11 United States Code Section 1325* determines when a Plan shall be confirmed by the Court. Based on the foregoing, as more fully detailed below, the Plan cannot be confirmed as proposed.

#### **A. DOES NOT MEET FULL VALUE REQUIREMENT**

11 U.S.C. §1325(a)(5)(B)(ii)

The Debtors' Plan does not provide for cure of the pre-petition arrears owed to Creditor. The pre-petition arrears owed to Creditor are no less than approximately \$45,022.58. Debtor's Plan does not provide for the cure of all of the arrears owed to Creditor. Accordingly, Debtor will be required to amend her Plan to fully provide for Creditor's total arrears. Since Debtor's Plan does not provide for cure of all arrears owed to Creditor, the Plan does not meet the full value requirement and fails to satisfy 11 U.S.C. §1325(a)(5)(B)(ii).

#### **B. PROMPT CURE OF PRE-PETITION ARREARS**

11 U.S.C. §1322 (d)

The pre-petition arrears owed to Creditor are no less than \$45,022.58. In order to cure the Creditor's pre-petition arrears in sixty (60) months as proposed, Debtors' monthly plan payment to Creditor must total no less than \$750.38. Debtor's Plan understates the amount owed to Creditor. Therefore, Debtors' Plan fails to provide for prompt cure of Creditor's pre-petition arrears.

WHEREFORE, Creditor objects to confirmation of the Plan and requests as follows:

- a. The Plan be denied confirmation and the case be dismissed; or

- b. The Plan be amended to provide for all arrears owed to Creditor.

DATED: June 13, 2018

THE LAW OFFICES OF MICHELLE GHIDOTTI

By: /s/ Jennifer R. Bergh Esq.  
Jennifer R. Bergh, Esq.  
Attorney for Creditor WRIO TRS, LLC

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**Attorney for Movant,**  
WRIO TRS, LLC, its Successors and Assigns

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>IN RE:</b>	§ CASE NO.: 18-32199
	§
<b>VIRTUDES SELLSTROM,</b>	§ CHAPTER 13
	§
<b>DEBTORS,</b>	§ <b>CERTIFICATE OF SERVICE</b>
	§
<b>WRIO TRS, LLC,</b>	§
	§
<b>CREDITOR,</b>	§
	§
	§

**CERTIFICATE OF SERVICE**

I am employed in the County of Orange, State of California. I am over the age of eighteen and not a party to the within action. My business address is: 1920 Old Tustin Ave., Santa Ana, CA 92705.

I am readily familiar with the business's practice for collection and processing of correspondence for mailing with the United States Postal Service; such correspondence would be deposited with the United States Postal Service the same day of deposit in the ordinary course of business.

On June 13, 2018 I served the following documents described as:

• **OBJECTION TO CHAPTER 13 PLAN**

on the interested parties in this action by placing a true and correct copy thereof in a sealed envelope addressed as follows:

(Via United States Mail)

<b>Debtor</b> Virtudes Sellstrom 4008 Louetta Road P.M.B. 156 Spring, TX 77388  <b>Debtors' Counsel</b> Reese W Baker Baker & Associates LLP 950 Echo Lane Suite 200 Houston, TX 77024  <b>Debtors' Counsel</b> Nikie Marie Lopez-Pagan Baker & Assoc 950 Echo Lne Ste 200 Houston, TX 77024	<b>Chapter 13 Trustee</b> William E. Heitkamp Office of Chapter 13 Trustee 9821 Katy Freeway Ste 590 Houston, TX 77024  <b>U.S. Trustee</b> Office of the US Trustee 515 Rusk Ave Ste 3516 Houston, TX 77002
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xx (By First Class Mail) At my business address, I placed such envelope for deposit with the United States Postal Service by placing them for collection and mailing on that date following ordinary business practices.

       Via Electronic Mail pursuant to the requirements of the Local Bankruptcy Rules of the Eastern District of California

xx (Federal) I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 13, 2018 at Anaheim, California

/s/ Jennifer R. Bergh  
Jennifer R. Bergh